

# Congress of the United States

Washington, DC 20515

April 15, 2002

Christine Todd Whitman  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Governor Whitman:

As you are aware, your agency recently released draft language for a new National Pollution Discharge Elimination System (NPDES) permit for the discharge of sludge from the Washington Aqueduct. We are writing to express our concern over your permit that allows dumping of hundreds of thousands of tons of sludge on and through a National Park. We request that EPA withdraw the permit to take into consideration the findings of an independent peer review we have provided to your agency and that at a minimum, you extend the comment period by sixty days to end on June 28, 2002.

The Washington Aqueduct facility is unlike any other water treatment facility in EPA's Region III, or on the East Coast for that matter, as it discharges all of the sludge it produces directly to waters of the U.S., The Potomac. And, while both your agency and the Army Corps of Engineers maintain that the discharges are within legal, scientific standards, we possess a peer review, authored by a well-credentialed and prestigious panel of scientists, that strongly indicates otherwise.

The peer review, published by the Institute for Regulatory Science, found that the study used to justify the draft permit is "sufficiently inconsistent with established scientific and engineering standards" and recommended that the operators of the facility be urged to terminate discharges.

As such, the seeming inevitability of your agency issuing a new permit without discharge limitations is cause for great concern and consternation. The toxicity of the Corps' discharges, which the peer review concludes to exceed acceptable levels, is a critical issue given (1) NMFS' determination that the endangered short nose sturgeon is generally present in the Potomac and (2) the sturgeon may be more sensitive to pollutants than other species of fish.

Therefore, given the serious inconsistencies with the Clean Water Act and Endangered Species Act we request that, at a minimum, you extend the comment period for this permit while the science behind it can be more closely scrutinized with the peer review's findings in reference. We feel it would be remiss to hurriedly issue a new permit for sludge discharges that have taken place for decades in a National Heritage River, in a

National Park, without properly re-examining what prominent experts have found to be far short of sound science. This is especially true with the new focus on the Data Quality Act.

We appreciate your expeditious attention to this matter and look forward to hearing from you.

Sincerely,

Eugene P. Blumovich

John J. Duncanson

John T. Doherty

Doug Walden

Tom Osborne

Mike Sipe

Richard Pando

Wally Henger

Col. "Butch" Otter

Ken Hitzig

John Peterson

Ken Calvert